IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A.No.4783 of 2004
Date of Decision : 21.08.2007

Parkash Devi and another .....Appellants

versus

Mohan Lal .....Respondent

CORAM : HON'BLE MR.JUSTICE HEMANT GUPTA

Present: Mr.Avnish Mittal, Advocate for the appellants.

-.-

JUDGMENT

HEMANT GUPTA, J. (Oral)

The defendant are in second appeal aggrieved against the judgment and decree passed by the Courts below whereby it has been held that the wall of the House No.4319 belongs to the plaintiff and is not a common wall of the plaintiff and defendants. The said finding has been returned by the Courts below on the basis of a compromise Exhibit P-1, dated 22.5.1993 in the previous Civil Suit filed by the plaintiff against defendant No.1 for restraining her from raising any construction in the lane shown as A,B,C,D in the site plan.

In the aforesaid suit, the defendants have admitted that the wall in question is not a common wall, but is the exclusive wall of the plaintiff and that of the owners of House Nos.4319 and 4321. Therefore, the findings returned by the Courts below that the defendant-appellants have no right to interfere in any manner with the wall in question, cannot be said to be suffering from any patent illegality or irregularity which may give rise to any substantial question of law in second appeal for consideration of this Court.

The appeal stands dismissed.

21-08-2007 **(HEMANT GUPTA)**

mohinder* **JUDGE